



PLANNING COMMISSION AGENDA

Wednesday, November 8, 2006

6:30 p.m. General Plan / Regular Meeting
Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Dang T. Pham Bob Dhillon
Christopher Platten
Ash Kalra Matt Kamkar

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, November 8, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

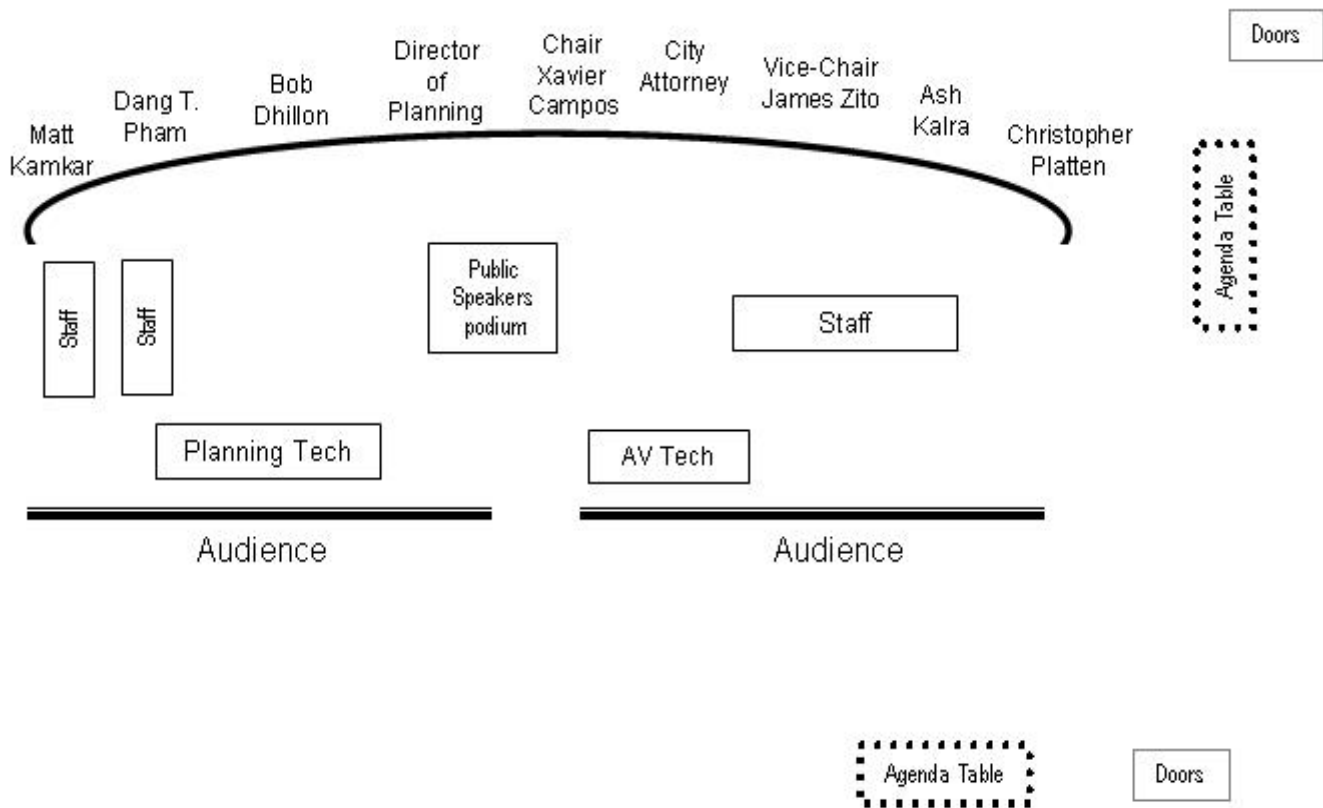
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

The following items are considered individually.

- a. **C06-074**: Consideration of an ordinance for a PLANNING DIRECTOR INITIATED Rezoning for the real property located on the Southeast (South) corner of Capitol Av & Hostetter Rd (1587 N CAPITOL AV), (Bianchi Clara Trustee and Valley Transportation Authority, Owners). Planning Director Initiated Rezoning from unincorporated county to RM Multiple Residence District on an approximately 15.3 gross acre area consisting of 2 parcels. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459. Council District 4. SNI: None.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Planning Director Initiated Rezoning from unincorporated county to RM Multiple Residence District as recommended by Staff.

- b. **CP06-050:** Conditional Use Permit to continue to allow an existing eating and drinking establishment, outdoor patio, off-sale of alcohol and late night use until 2:00 a.m. in the DC Downtown Primary Commercial Zoning District, located on the north side of E. San Fernando Street approximately 65 feet east of S. First Street (33 E. San Fernando Street)(Gordon Biersch Brewery, Applicant/Owner). Council District 3. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve Conditional Use Permit to continue to allow an existing eating and drinking establishment, outdoor patio, off-sale of alcohol and late night use as recommended by Staff.

4. PUBLIC HEARINGS

None.

5. CONTINUE PLANNING COMMISSION FALL 2006 HEARING ON GENERAL PLAN AMENDMENTS

6. GENERAL PLAN CONSENT CALENDAR

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. Public Hearing on the following items related to the Evergreen•East Hills Vision Strategy project. The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.

1. **PUBLIC HEARING ON THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) for the EVERGREEN•EAST HILLS VISION STRATEGY PROJECT** for an update to the Evergreen Development Policy, a Funding Agreement, General Plan Text and Land Use/Transportation Diagram Amendments, Planned Development Rezonings on approximately 542 acres; and to allow between 3,600 and 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, up to 4.66 million square feet of campus industrial, and various transportation improvements and community amenities within the EEHVS area. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. CEQA: Resolution to be adopted. Council Districts: 5, 7 and 8.

Staff Recommendation:

Certify the Environmental Impact Report and find it in compliance with CEQA.

2. **PUBLIC HEARING ON THE PROPOSED UPDATE TO THE EVERGREEN DEVELOPMENT POLICY** for the Evergreen•East Hills area of San José. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. CEQA: Resolution to be Adopted. Council Districts: 5, 7 and 8.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council adoption of the proposed Evergreen Development Policy update.

b. **PUBLIC HEARING ON GENERAL PLAN TEXT AND LAND USE/TRANSPORTATION DIAGRAM AMENDMENTS.**

1. **GPT05-08-01**: GENERAL PLAN TEXT AMENDMENT to revise text based on actions related to the update of the Evergreen Development Policy and General Plan Land Use/Transportation Diagram amendments, amend Appendix E to reduce the number of planned lanes from four to two on the following Major Collectors: Delta Road, Murillo Avenue (from Tully Road to Aborn Road), Nieman Boulevard, Quimby Road (east of White Road), Ruby Avenue (between Kohler Avenue and Aborn Road, and between Fowler and Delta Roads), Yerba Buena Road (from Old Yerba Buena Road to Aborn Road), and amend Appendix F, the Mixed Use Inventory, in conjunction with General Plan Land Use/Transportation Diagram amendments GP05-08-01A and GP05-08-01F. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. CEQA: Resolution to be Adopted. Council Districts: 5, 7, and 8.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of the General Text Amendment to revise Chapter V – Land Use/ Transportation Diagram, and Appendix E – Major Collector Streets.

2. **GP05-08-01A**. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Mixed-Use Overlay with Public/Quasi-Public, Medium Low Density Residential (8.0 DU/AC), Industrial Park, Office and Public Park and Open Space underlying land use designations to Mixed-Use with No Underlying Land Use Designation on an 81-acre site, known as Arcadia, located on the south side of Quimby Road 1,000 feet westerly of Capitol Expressway. (Arcadia Homes, Inc. applicant/owner). SNI: West Evergreen. CEQA: Resolution to be Adopted. Council District 8.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of the General Plan Land Use/Transportation Diagram Amendment on the Arcadia site to Mixed Use with No Underlying Land Use Designation and amend Appendix F of the General Plan Text to include the following uses and intensities: Medium Low

Density Residential (8.0 DU/AC), Transit Corridor Residential (20+ DU/AC) (1,500 to 1,875 dwelling units); General Commercial (150,000 to 300,000 square feet); Public Park and Open Space (12 acres plus up to 2 acres if the community center is not combined with school); Public/Quasi-Public (approximately 10 acres or more for an elementary school and community center, assuming joint agreement).

3. [GP05-08-01B](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 114-acre site, known as Pleasant Hills Golf Course, located on the north east corner of Tully and S. White Roads. (KB Home, applicant/Duino Family Partners, owner). SNI: None. CEQA: Resolution to be Adopted. Council District 8.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of General Plan Land Use/Transportation Diagram Amendment on the Pleasant Hills Golf Course site to Mixed Use with No Underlying Land Use Designation and amend Appendix F of the General Plan Text to include the following uses and intensities: Private Recreation (minimum 35-percent of the site); Medium High Density Residential (12-25 DU/AC), Medium Low Density Residential (8.0 DU/AC) (60 acres for up to 650 dwelling units); Public Park and Open Space (minimum 5 acres); Public/Quasi-Public (approximately 11 acres for a public school and fire station); Neighborhood/Community Commercial (0 to 3 acres).

4. [GP05-08-01C, D, E](#): GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a combined 320-acre site, known as Campus Industrial – Berg Investment Development Services (IDS), and Yerba Buena OPCO, located on the north east corner of Yerba Buena Road and Old Yerba Buena Road, South of Aborn Roads. (Berg & Berg Enterprises Investment Development Services (IDS) Inc and Yerba Buena OPCO, applicant/owner). SNI: None. CEQA: Resolutions to be Adopted. Council District 8.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of the General Plan Land Use/Transportation Diagram Amendments on the three industrial sites to Mixed Use with No Underlying Land Use Designation and amend Appendix F of the General Plan Text to include the following uses and intensities: Medium Density Residential (8-16 DU/AC) (165 acres for up to 1,275 dwelling units); Campus Industrial (120 acres with a maximum 0.4 FAR); Public Park and Open Space (minimum of 10 acres); Public/Quasi-Public (approximately 25 acres for a public school).

5. **GP05-08-01F**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Public/Quasi-Public to Mixed-Use with No Underlying Land Use Designation on a 27-acre portion of the Evergreen Valley College Campus, located on the north side of Yerba Buena Road approximately 350 feet easterly of San Felipe Road. (San José/Evergreen Community College District applicant/owner). SNI: None. CEQA: Resolution to be Adopted. Council District 8.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of the General Plan Land Use/Transportation Diagram Amendment on the Evergreen Valley College site to Mixed Use with No Underlying Land Use Designation and amend Appendix F of the General Plan Text to include the following uses and intensities: High Density Residential (25-50 DU/AC) (between 375 and 500 dwelling units); General Commercial (up to 95,000 square feet of office and up to 100,000 square feet of commercial with no supermarket greater than 50,000 square feet); Public/Quasi-Public (2 acres for a public library).

5. **CONTINUE THE PLANNING COMMISSION HEARING FOR THE 2006 FALL GENERAL PLAN AMENDMENTS TO NOVEMBER 13, 2006**

8. **PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

10. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

11. **GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).

- Coyote Valley Specific Plan (Platten)
- Evergreen East Hills Vision Strategy Task Force (Zito)
- Parks Funding Subcommittee (Zito)

c. Review of synopsis

12. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
Mon. November 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 29	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers

